



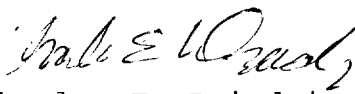
WPAY-FM "may well be precluded from changing its own site, antenna height or other operating parameters." Petition to Intervene at p. 2. Petitioner concludes that, as a "potentially aggrieved" radio station, it should be allowed to intervene in this proceeding.

3. Section 1.223 sets forth the standards for determining whether to allow intervention in certain hearing proceedings. In the Bureau's view, the instant petition does not meet the rule's standards. With respect to subsection (a), a petition to intervene must be filed not more than 30 days after publication in the Federal Register "of the hearing issues or any substantial amendment thereto." Unquestionably, petitioner's filing occurred more than 30 days after the publication of the hearing issues on April 22, 1993 (see 58 Fed. Reg. 21580), and there has been no substantial amendment to the hearing issues which would justify intervention at this stage. Likewise, petitioner's filing does not meet the tests prescribed by subsection (b) inasmuch as the time periods by which a petition must be filed are identical to those of subsection (a). Finally, petitioner cannot obtain intervention pursuant to subsection (c) because it has failed to "show how [its] participation will assist the Commission in the determination of the issues in question;" it has failed to set forth any proposed issues in addition to those already designated for hearing; and it has not supported its allegations with an affidavit from a person having personal knowledge of the facts.

Petitioner's conclusion that its participation is necessary because it may suffer some injury is simply too broad and undifferentiated to justify intervention. See Listeners' Guild, Inc., 813 F.2d 465, 470 (D.C. Cir. 1989). Moreover, petitioner is incorrect in suggesting that it will suffer some justiciable injury inasmuch as the petitions for leave to amend of Ringer, ASF and Davis propose facilities which are in conformance with the Commission's technical rules.<sup>1</sup>

4. Accordingly, the Bureau opposes the petition to intervene filed by WPAY/WPFB, Inc.

Respectfully submitted,  
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October 4, 1994

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<sup>1</sup> See "Mass Media Bureau's Comments on Petition for Leave to Amend" filed May 18, 1994 (Ringer); July 28, 1994 (ASF); August 24, 1994 (Davis).

CERTIFICATE OF SERVICE

Michelle C. Mebane, secretary of the Hearing Branch, Mass Media Bureau, certifies that she has on this 4th day of October, 1994, sent by regular United States mail, U.S. Government frank, copies of the foregoing "Mass Media Bureau's Opposition to Petition to Intervene" to:

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